

REMARKS

INTRODUCTION:

Claims 1, 3-5, 7, 9-12 and 14-17 are pending and under consideration.

REJECTIONS UNDER 35 U.S.C. §103:

The rejections all rely upon the newly cited reference to Lee. However, according to 35 U.S.C. §103(c)(1), Lee may not be relied upon as a reference. Lee and the present application have a common assignee. Furthermore, Lee only qualifies as a reference under 35 U.S.C. §102(e)(2). Thus, the conditions of 35 U.S.C. §103(c)(1) apply, and Lee "shall not preclude patentability." The remaining references do not overcome the deficiencies created when Lee may not be relied upon.

Accordingly, withdrawal of the rejections is requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: 
Michael J. Badagliacca
Registration No. 39,099

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501